

City of Othello
Regular Council Meeting
June 25th, 2001

Mayor E R Kelley called the meeting to order at 7:00 p.m. Members present were: Leonard Lyon, Eleanor Brodahl, Les Clemons, Everett Cole, Don Derifield, Jeannie Ochoa and Kenneth Johnson. Also present were: Debbie Kudrna, Rhonda Miller, Curt Andrews, and Reuel Klempel, City Department Heads; Bill Shaw, City Administrator; and James Whitaker, City Attorney.

Council member, Jeannie Ochoa led the opening invocation and Mayor Kelley led the Pledge of Allegiance.

APPROVAL OF AGENDA

Council carried a motion to approve the agenda as presented. M/S Ochoa/Brodahl.

CONSENT AGENDA

- a. Approval of Minutes of June 11th, 2001.
- b. Approval of Special Warrant.

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that is available to the Council.

Expense Claim Check No. 23457 in the amount of \$500.00.

Council carried a motion to approve the consent agenda as presented. M/S Lyon/Derifield.

PUBLIC HEARING ON CITY'S SIX-YEAR STREET PLAN 2002-2007

Mayor Kelley opened the public hearing to receive the staff report and to receive public input about the City's Six-Year Transportation Improvement Program for 2002-2007 at 7:04 p.m.

Public Works Director, Reuel Klempel reviewed the current chip sealing, repaving, and replacement of water lines projects. He explained that the Public Works Department would also be completing some patching projects this year, in order to help with the scheduled repaving projects for next year. Mr. Klempel noted that adoption of the Six-Year Street Plan is a State requirement. It is a necessary report if the city was to apply for any grant funding for the projects that are listed on the plan.

Planner, Curt Andrews reviewed the roadway and intersection conditions report, which was generated from the Othello Transportation Plan. Mr. Andrews then reviewed and explained the 15 projects listed on the Six-Year Street Plan.

Mayor Kelley asked for public comments. There was none. Mayor Kelley asked for Council comments. The staff explained that the listed projects were in no particular order. With no further comments or questions, Mayor Kelley closed the public hearing on the City's Six-Year Transportation Improvement Program at 7:29 p.m.

RESOLUTION TO ADOPT THE CITY'S SIX-YEAR STREET PLAN 2002-2007

Council carried a motion to adopt A RESOLUTION ADOPTING THE CITY OF OTHELLO SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2002-2007. M/S Derifield/Johnson. This shall be known as Resolution No. 2001-18.

PUBLIC HEARING ON THE RESOLUTION SETTING THE RECONSTRUCTION/REPAIR OF SIDEWALKS

Mayor Kelley opened the public hearing to receive staff and citizen input about the provisions of Resolution No. 2001-12, which directs the construction and/or reconstruction or repair of sidewalks, curbs and/or driveways within the city limits at 7:32 p.m. Mayor Kelley asked if any council member had any financial interest in the properties or issue. They all responded, no. Mayor Kelley asked if the council members could hear and consider the matter in a fair and objective manner. They all responded, yes. Mayor Kelley asked that anyone who had an objection to his participation or any council member's participation to please state now and give the reason for their objection. There was none. Mayor Kelley asked city staff to present the exhibits and enter any written comments received by the city into the record. The City Clerk, Debbie Kudrna entered the following exhibits into the record:

EXHIBIT #1: Resolution No. 2001-12, title being "A RESOLUTION AUTHORIZING AND DIRECTING THE CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS WITHIN THE CITY OF OTHELLO, WASHINGTON, REQUIRING THE ABUTTING PROPERTY OWNERS TO PERFORM SUCH CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS, AND PROVIDING THE MEANS FOR THE CITY TO PERFORM SUCH CONSTRUCTION AND/OR RECONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND/OR DRIVEWAYS IF SUCH WORK IS NOT PERFORMED BY ABUTTING PROPERTY OWNERS AND ESTABLISHING THE METHOD FOR RECOVERY OF THE COSTS OF SUCH WORK FROM ABUTTING PROPERTY OWNERS", adopted by the City Council on May 29, 2001. This includes an assessment roll with Project No's. 1 – 21, which provides for the legal description, property owner(s) name(s), lot valuation, improvement to be made, and estimated cost of improvement.

EXHIBIT #2: A copy of the mail merge letter that was sent to each and every property owner listed on the assessment roll. Each letter was unique, in that it specified the property, owner, valuation, improvement to be made and estimated cost. These letters were sent from City Hall as certified mail.

EXHIBIT #3: A map of the areas of improvements that are listed in Resolution No. 2001-13.

EXHIBIT #4: A copy of the Postal Service Forms #3811, which indicates that someone at that mailing address signed for and received the certified letter sent from the City. We received the Postal Service Form #3811, for Project No's. 1, 2, 4, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, and 21.

EXHIBIT #5: A copy of two envelopes that were either unclaimed or refused. The letter to Cumulus Associates was unclaimed – they are listed for Project No's. 3 and 5. The letter sent to Walter & Marilyn Swearingen was refused – they are listed for Project No. 10.

EXHIBIT #6: A copy of the Postal Service Form 3800, for the first certified letter sent to Mr. Raul Ramirez (Project No. 13). This is the form that the city office keeps, when the letter is mailed. This letter was sent to a Cheney address. We hadn't received the Postal Service Form #3811 that indicates that the letter was received, and a second notice was mailed out on June 22nd to an address in Othello. Today, Monday June 25TH, we received the Postal Service Form 3811 that indicates that Mr. Raul Ramirez signed for and received the first letter that was sent. We'll title this form Exhibit 6B

EXHIBIT #7: A letter from Riedl Properties, LLC. They are listed on the assessment roll as Project No.'s 18 and 19.

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The City Clerk read the entire contents of the letter received from Riedl Properties, LLC into the record.

Mayor Kelley then requested city staff to present the information on the proposed sidewalk projects. City Administrator, Bill Shaw explained that in the letter, dated May 31st, 2001, which was sent to all property owners listed in Resolution No. 2001-12, it allowed the city to have the sidewalks built by a contractor for the property owners and then provide a payback of the cost from the property owner to the city at 4.7% interest amortized over a five-year period. The property owner was advised that no later than September 1st, they must have either completed the work or informed Mr. Shaw whether they would want to enroll in the city's sidewalk construction program with this payback option.

Council member, Derifield asked whether that September date could be extended to November 1st. Mr. Shaw responded that by extending that date, it leaves little time to bid the project out and complete the sidewalk projects prior to inclement winter weather conditions.

Mayor Kelley then asked for public testimonies, questions, objections or protests to be heard from the citizens. Mr. Rodney DeLeon, 1212 E Main Street, approached the Council and asked what the reason for the project is and why do the property owners have to do this. He noted that he has a big reconstruction project in progress now (Cimarron) and cannot complete his sidewalk projects by September 1st. He noted that he would need more time to complete all of his projects and stated that he does not want to be included in the city's sidewalk project; he would rather do the work himself. Mr. DeLeon then asked why Lions Park does not have sidewalks. Mr. DeLeon stated that he does agree that there is a need for the sidewalks but requested more time. There were no other public comments.

Mayor Kelley asked if the city staff had any comments or response to the public testimony. Mr. Shaw noted that most of the sidewalks listed in the resolution are in need of reconstruction to meet ADA requirements, or the surface is in such disrepair that they are hazardous, or areas that do not have any sidewalks at this time. He noted that some of the sidewalk projects are also listed in the letter from Canfield and Associates, the city's insurance carrier, regarding their inspection of the sidewalks and listed as sidewalks with moderate hazards. Mr. Shaw stated that the project calls for a 6-foot sidewalk on 1st Avenue and a 10-foot sidewalk on Main Street and stated that the Council could reduce the sidewalk on Main Street to 5 or 6-feet wide. He explained that the estimated costs of improvements as listed in the resolution may be high estimates and the property owners might be able to do their improvements at a lower price.

Mayor Kelley asked if any of the council members had any comments or questions at this time. Council member, Derifield stated his concern of not enough time for the property owners to complete the sidewalk project as listed on the resolution. He stated that he felt that the sidewalks are an important safety issue and are needed for citizens. Mr. Shaw responded to a question asked by Council member, Lyon. He explained that there would not be a continuous sidewalk on east Main Street due to the request from the City Council to not enforce sidewalks in front of the truck parking property owned by Mr. Rodney DeLeon on east Main Street. Council member, Ochoa stated concerns of the amount of sidewalk projects Mr. DeLeon has to complete and recommended that the less expensive, smaller projects, No.'s 15, 16 and 17 be postponed to the next sidewalk project. Council member, Ochoa also asked if Section No. 5 in Resolution No. 2001-12 should be changed from, "The abutting property owners identified with each improvement in the attached table shall cause such improvements to be accomplished as stated above on or before

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September 1st, 2001", to allow them to present a plan for the project or extend that September 1st date to a later date. Council member, Johnson stated that he agrees that the September 1st deadline for the projects to be completed is not enough time and stated that concrete can be poured usually through the end of October. Mr. Shaw noted that as long as the property owners can have a contract or project plan in process by the September 1st deadline, and show faith that they are going to complete the project, they can meet the requirements of the project. Mr. Derifield stated that the city would need to enforce the same requirements for each and every property owner listed in the resolution. With no further comments from staff, citizens or council, Mayor Kelley closed the public hearing on the resolution setting the reconstruction/repair of sidewalks at 7:54 p.m.

Council deliberated on record about the sidewalk project. It was suggested that Mr. DeLeon and others listed on the assessment role meet with Mr. Shaw to discuss a repair schedule. There was some further discussion about the September date, which is set for completion or confirmation that the sidewalks are to be done by the property owners. Mr. Whitaker responded to a question about if the city had responsibility for accidents on private property if there are no sidewalks to walk on. He stated the city has a duty to maintain the public right-of-way in a reasonable state for passage, as well as the property owners' responsibility. Mr. Whitaker explained that the Council will have another public hearing to adopt an ordinance setting the assessment roll and payback process.

Council carried a motion to proceed with the sidewalk project, as listed in Resolution No. 2002-12. M/S Ochoa/Derifield. Council member Ochoa asked Mr. DeLeon if he would be able to complete all of the projects as listed in the resolution. Mr. DeLeon stated that he would.

DISCUSSION ON THE PLANNING COMMISSION'S RECOMMENDATION ON THE PDD's PRELIMINARY PLAT

Mr. Shaw reported that the PJT Homes has requested postponement of the preliminary plat for the assistant living facilities. He stated that staff believes this will be discussed again in July. It was noted that the assistant living facilities might be moved to another site.

APPROVAL OF OPERATING ENGINEERS CONTRACT

Mr. Shaw reported on the changes that have been agreed upon in the agreement with the International Union of Operating Engineers (Public Works). These included changes in Article 10 – Clothing; Article 11 – Health and Welfare – Insurance; Article 19 – Duration of Agreement; Appendix A – Wage Schedule (retroactive to January 1, 2001). He noted this is a three-year contract. He explained that the step systems have been adjusted with fixed amounts, up to Step C. He noted that there is one employee who is at Step B, whose wage for this year, was agreed upon with a 3.1% increase.

Council carried a motion to approve the Collective Bargaining Agreement between the City of Othello and the International Union of Operating Engineers, Local 280, January 1, 2001 – December 31, 2003; authorized the Mayor to sign the Agreement with the correction of Section 10.03 (page 8), which should be corrected to Section 11.03; and include the one-time pay increase of 3.1% for the Public Works employee who is at Step B, with all wages retroactive to January 1, 2001. M/S Derifield/Cole.

AWARD THE LEE ROAD PROJECT CONTRACT

Mr. Shaw reviewed that the bids for the Lee Road project, which were opened by Anderson Perry & Associates and listed below:

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Engineers Estimate:	\$721,214.40
Selland Construction, Inc.	\$594,767.40
Hilmes Construction, Inc.	\$596,221.90
Basin Paving Co.	\$620,227.20
M.L. Albright & Sons, Inc.	\$795,467.40

Mr. Shaw reported that the low bids were well below the engineer's estimate, and the project may be extended in order to expend the grant and project funding.

Council carried a motion to award the Lee Road Project bid to Selland Construction, Inc., in the amount of \$594,767.40. M/S Lyon/Clemons.

REQUEST TO CAMP IN LIONS PARK

City Clerk, Debbie Kudrna explained that the city had received a request to allow camping during a Babe Ruth State Softball Tournament, scheduled in Lions Park on July 13, 14, and 15. They expect up to 10 teams, with this being an elimination type tournament. They also requested use of the pool showers.

Council carried a motion to allow camping in a certain area of Lions Park during the Babe Ruth tournament and use of the pool showers, for the normal fee of \$1.00 per person. M/S Cole/Clemons.

RENEWAL OF COYOTE RIDGE CORRECTIONAL CENTER WORK PROGRAM AGREEMENT

The City Clerk explained that the city does have an agreement with the State of Washington, Department of Corrections for the work crew from Coyote Ridge. The Council was provided a new "Attachment A", which includes contract terms and payment terms. The current "Attachment A" expires June 30, 2001, and the new attachment has an expiration of September 30, 2001. She explained that the Department of Corrections main office is reviewing all of the old agreements for the work crew projects and advised the Connell facility to extend the current agreement to the September date, with hopes of extending that upon the completion of their review. The proposal had the same hourly rate and mileage charge as last year's contract.

Council carried a motion to authorize the "Attachment A", for the continued work crew contract with the State of Washington, Department of Corrections, through September 30, 2001. M/S Clemons/Cole.

RESOLUTION TO AUTHORIZE BUILDING PERMIT – OTHELLO HIGH SCHOOL

Mr. Shaw reported that the Othello School District has requested a building permit for placement of a modular classroom at the High School. The City Council can authorize building permits on un-platted land. Council carried a motion to adopt A RESOLUTION AUTHORIZING BUILDING IMPROVEMENTS ON UNPLATTED LAND. M/S Johnson/Cole. This shall be known as Resolution No. 2001-19.

RESOLUTION TO AUTHORIZE BUILDING PERMIT – HIAWATHA ELEMENTARY

Mr. Shaw reported that the Othello School District has requested a building permit for placement of a modular classroom at Hiawatha Elementary School. He noted that they had agreed to install an additional fire hydrant south of their facilities. Council carried a motion to adopt A RESOLUTION AUTHORIZING BUILDING IMPROVEMENTS ON UNPLATTED LAND. M/S Cole/Johnson. This shall be known as Resolution No. 2001-20.

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RESOLUTION TO INCREASE PETTY CASH

Finance Officer, Rhonda Miller presented a resolution which would increase the pool petty cash from \$25.00 to \$50.00, which would eliminate the excessive coins being generated as revenue from the pool. Council carried a motion to adopt A RESOLUTION TO INCREASE PETTY CASH. M/S Clemons/Johnson. This shall be known as Resolution No. 2001-21.

CANCEL JULY 2, 2001 WORKSHOP

Council carried a motion to cancel the July 2nd Council Workshop. M/S Ochoa/Clemons.

UNFINISHED BUSINESS

Mr. Shaw reported that the Central Basin Traffic Safety Task Force had missed the opportunity for receiving grant funding for a coordinator. They will discuss this again early 2002. He stated that they are receiving names of people who would be willing to serve on the Hwy 17 corridor task force.

Mr. Shaw reported that Mr. Ronald Haworth has agreed to travel to Othello at \$65.00 per hour, plus mileage round trip and lodging and meal expenses. He will meet with the Fire Department Committee, then meet with the Fire District Commissioners and District Fire Chief to discuss the working relationship between the City, Volunteers and Fire District.

Finance Officer, Rhonda Miller provided copies of the preliminary official statement on the re-funding bonds, provided by Martin Nelson & Company.

NEW BUSINESS

Council member Ochoa voiced concerns of the old Kiwanis building, located on East Main Street, noting the roof has fallen and weeds are growing inside the building. Mr. Andrews stated the city has secured the site, but acknowledged the fire hazard.

ADJOURNMENT

With no further business to discuss, Mayor Kelley adjourned the council meeting at 8:52 p.m.

E R KELLEY, Mayor

ATTEST:

DEBBIE L KUDRNA, City Clerk